

REMARKS

In the Office Action dated January 29, 2007, pending Claims 1, 3-24, 27-28 and 30 were examined and stand rejected. In response, Claims 1, 7, 14-22 and 28 are amended, Claim 6 is cancelled and no claims are added. Applicants respectfully request reconsideration of pending Claims 1, 3-5, 7-24, 27-28 and 30 in view of at least such amendments and the following remarks.

I. Claims Rejected Under 35 U.S.C. §101

The Examiner has rejected Claims 14-21 under 35 U.S.C. §101 as being directed to non-statutory subject matter. In response, Claims 14-21 are amended to recite a “computer readable storage medium.” In view of Applicants’ amendments to Claims 14-21, we submit that such claims are directed to a computer readable storage medium, which is a statutory subject matter under 35 U.S.C. §101. Consequently, we request that the Examiner reconsider and withdraw the 35 U.S.C. §101 rejection of Claims 14-21.

II. Claims Rejected Under 35 U.S.C. §103

The Examiner has rejected Claims 1, 3-6, 9, 10, 14-18, 22-24 and 28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,643,663 issued to Dabney et al. (“Dabney”) in view of U.S. Patent No. 6,457,045 issued to Hanson et al. (“Hanson”), further in view of U.S. Patent No. 6,052,600 issued to Fette et al. (“Fette”), further in view of U.S. Patent No. 5,867,799 issued to Lang et al. (“Lang”). Applicants respectfully traverse this rejection.

Regarding Claim 1, Claim 1 recites the following claim feature which is neither taught nor suggested by the prior art combination of Dabney in view of Hanson and further in view of Fette and further in view of Lang:

receiving the story concept for the story including an indication of one or more editors for the story.

According to the Examiner, the above recited feature of Claim 1, prior to amendment, is disclosed at Col. 5, lines 60-65 of Dabney, such that the Examiner interprets new story data as a

story concept. (See page 3, ¶ 4 of the Office Action mailed 1/29/07.) Applicants respectfully disagree with the Examiner's assertions and characterizations of Dabney.

While Applicants' argument here is directed to the cited combination of references, it is necessary to first consider their individual teachings, in order to ascertain what combination (if any) could be made from the cited references.

In contrast to Claim 1, Dabney is directed to handling news stories provided by news reporters and/or journalists for publication in a newspaper or other traditional media source. As indicated above in the passages referred to by the Examiner, news story data such as photographs, video, audio and text is prepared for newspaper, radio and television by human editors. (See col. 5, lines 63-65.) Assuming, arguendo, that news story data discloses receiving a story concept for a story, as in Claim 1, such news story data does not include an indication of one or more editors for the story, as in Claim 1.

We submit that the amended feature of Claim 1 is analogous to the features of Claim 8, which recites receiving a list of editors for the use including notifying editors of a receipt of a story concept. The Examiner cites U.S. Patent No. 6,088,702 issued to Plantz et al. ("Plantz") to teach receiving a list of editors for the use including notifying editors of the receipt of a story concept (column 11, lines 24-26) (see page 15, ¶ 1 of the Office Action mailed 1/29/07.) Assuming Plantz discloses the features of Claim 8, we submit that Plantz does not disclose the receipt of a story concept for a story including an indication of one or more editors for the story, as in Claim 1. The other cited references fail to rectify this deficiency.

Furthermore, Claim 1 as amended recites the following claim feature which is not taught by the combination of references referred to by the Examiner:

determining if the content from each of the multiple collaborators is approved for inclusion in the story based on votes received online through a wide area network connection from the one or more editors and at least one of the multiple collaborators;

We submit that the disclosure of Dabney is expressly limited to news editor approval for completion of a news story and storage of such news story on content servers for newscasts and media distribution, making the news story data available for news media to incorporate the

edited news story data into their broadcast and/or publication, distribution as well as availability for internet news sources. (See col. 6, lines 3-12.)

We submit that the express limitation of accepting content for news stories, based solely on editor's decision, prohibits the Examiner from illustrating that Dabney discloses content approval based on votes received from one or more editors and at least one of the multiple collaborators, as in Claim 1.

Furthermore, Claim 1 recites deleting the content if the received votes have failed to approve the content. Applicants agree with the Examiner that Dabney and Hanson fail to teach this limitation. However, Applicants respectfully disagree that either Fette or Lang provide such teaching. In contrast, Fette is directed to removal of unapproved information based on user approval. Lang teaches a filtering mechanism based on community standards, but such decision is not based on the one or more editors and at least one of the multiple collaborators (i.e., the providers of the content) as claimed. Hence, the prior art combination of Dabney, Hanson, Fette and Lang fail to teach or suggest each of the above recited features of amended Claim 1, as required to establish a *prima facie* case of obviousness.

For each of the above reasons, therefore, Claim 1 and all claims which depend from Claim 1 are patentable over the prior art combination of Dabney in view of Hanson further in view of Fette and further in view of Lang. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the §103 rejection of Claims 1, 3-6, 9 and 10.

Each of Applicant's other independent claims includes limitations similar to those in Claim 1 discussed above. Therefore, all of Applicants' other independent claims, and all claims which depend on them, are also patentable over the cited prior art for similar reasons.

Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the §103 rejection of Claims 14-18, 22-24 and 28.

The Examiner has rejected Claims 7 and 8 under 35 U.S.C. §103(a) as being unpatentable over Dabney in view of Hanson, further in view of Fette, further in view of Lang, further in view of U.S. Patent No. 6,088,702 issued to Plantz et al. ("Plantz"). In addition, the Examiner has rejected Claims 11-13, 19-21, 27 and 30 under 35 U.S.C. §103(a) as being unpatentable over Dabney in view of Hanson, further in view of Fette, further in view of Lang, further in view of U.S. Patent No. 5,100,154 issued to Mullins ("Mullins"). Applicants respectfully traverse this rejection.

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent claim is not to be interpreted as an agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the §103(a) rejection of Claims 7, 8, 11-13, 19-21, 27 and 30.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Dated: 4/26/07

By: 

Joseph Lutz, Reg. No. 43,765

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
Telephone (310) 207-3800
Facsimile (310) 820-5988

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.


Suzanne Johnston

4/26/07
Date